

South Pacific Regional Fisheries Management Organisation Performance Review Questionnaire

Section 1: Conservation and Management

1.1 Ecosystem approach

- i. Do SPRFMO decisions fully incorporate the ecosystem approach to fisheries management in accordance with Article 3(2) of the SPRFMO Convention?

Yes	No	Partly
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Please explain further: Substantive efforts have been made to include ecosystem considerations into the management of bottom fishing and in particular the protection of VMEs.

The setting of conservative reference points in the jack mackerel fishery and the adoption of a precautionary stock rebuilding plan recognise the importance of the fishery to the wider ecosystem.

- ii. Are there gaps or changes which would improve implementation of the ecosystem approach?

Yes	No	Partly
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Please explain further: Greater monitoring and observation of the squid fishery is needed.

1.2 Data collection

- i. How effective are the SPRFMO data collection formats, specifications and timeframes?

Formats:	Excellent	Good	Acceptable	Inadequate
Specifications:	Excellent	Good	Acceptable	Inadequate
Timeframes	Excellent	Good	Acceptable	Inadequate

Please explain further:

ii. How accurate, timely and complete is the collection of data by Members and CNCPs individually or through SPRFMO?

Members:	Very	Not at all	Partly
CNCPs:	Very	Not at all	Partly
SPRFMO:	Very	Not at all	Partly

Please explain further: Although there have been failures amongst members to supply certain data or meet submission deadlines, the frequency of such failures has been reducing and there is generally a high degree of compliance with data requirements.

iii. Are there any gaps in data collection necessary for effective stock assessment?

Yes	No	Some
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Please explain further: Most notably in the squid fishery.

iv. Are there any gaps in data collection necessary for ensuring best scientific advice is available?

Yes	No	Some
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Please explain further: Improved timeliness of catch reporting and independent verification of catch and effort data is needed in the squid fishery.

v. How effective are SPRFMO's efforts in addressing any gaps in data collection?

Very	Not at all	Partly
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Please explain further: Squid fishing members have resisted increased monitoring and observation.

vi. Are there any gaps in CMM 16-2018 (Observer Programme) which need to be filled to fully reflect the requirements of Article 28 (1) of the SPRFMO Convention?

Yes	No	Some
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Please explain further:

1.3 *Quality and provision of scientific advice*

- i. How effective are SPRFMO's efforts to receive and act on best scientific advice relevant to the fishery resources it covers?

Very	Not at all	Partly
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Please explain further: The Commission has consistently adopted and acted on the SC's advice.

- ii. How effective are SPRFMO's efforts to receive and act on best scientific advice relevant to the effects of harvesting, research, conservation and associated activities on the marine ecosystem?

Very	Not at all	Partly
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Please explain further: The Commission provides an annual workplan to the SC to meet its

1.4 *Adoption of conservation and management measures*

- i. Has SPRFMO has adopted an effective range of Conservation and Management Measures (CMMs) for fishery resource management that ensure the long-term conservation and sustainable use of those resources and are based on the best scientific evidence available?

Yes	No	Partly
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Please explain further, noting any gaps or suggested improvements:

- ii. Has SPRFMO sufficiently applied a precautionary approach in line with the requirements of Article 3 (2) of the SPRFMO Convention and the Code of Conduct for Responsible Fisheries?

Yes	No	Partly
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Please explain further, noting any gaps or suggested improvements: This is best illustrated by the substantial catch reductions agreed by members in the jack mackerel fishery in line with the fishery rebuilding plan. Also, the reference points adopted are precautionary.

iii. Has SPRFMO sufficiently applied precautionary reference points as called for in Article 20 (2) of the Convention?

Yes	No	Partly
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Please explain further: in relation to bottom fishing, precautionary catch limits are set while detailed stock assessments are carried out.

iv. Has SPRFMO sufficiently incorporated the criteria established under Article 21 (1) of the SPRFMO Convention, in the adoption of measures relating to the allocation of the total allowable catch or total allowable fishing effort?

Yes	No	Partly
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Please explain further, noting any gaps or suggested improvements: The allocation of the total allowable catch in the jack mackerel fishery has been the subject of protracted and difficult negotiations between members each year until 2017 when a five year agreement was reached. In each negotiation, a number of factors were discussed in an effort to accommodate the interests of members with widely differing histories and aspirations in the fishery. Rather than focusing on individual criteria under Article 21 (1), the negotiations have been more holistic in nature, recognising that many of the criteria are not readily subject to quantification and are, as a result, difficult to include in an explicit manner.

The need to consider the interests and aspirations of new members and members with relatively low jack mackerel catch allocations led Vanuatu in 2017 to propose a mechanism that would potentially make available some quota that could be distributed by the Commission. The proposal was generally supported when reintroduced in 2018 but was withdrawn to give one member more time to revise its internal regulations regarding international transfers.

- v. How effective are the SPRFMO CMMs adopted to cover previously unregulated fisheries, including new and exploratory fisheries?

Very	Not at all	Partly
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Please explain further, noting any gaps or suggested improvements:

Applications for development of toothfish and crab fisheries in hitherto unexploited areas of the SPRFMO Convention Area have demonstrated the existence of an effective process through the SC and the Commission to authorise and monitor new and exploratory fisheries.

- vi. Has SPRFMO adopted CMMs which specifically address the conservation of marine biological diversity?

Yes	No	Partly
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If Yes, or Partly: are these effective? The bottom fishing CMM implements requirements to protect VMEs that have constrained operators to fish within previous national "footprints", to avoid known VMEs, and to "move on" when catch thresholds of corals are taken, implying the existence of a VME.

Please explain further, noting any gaps or suggested improvements:

- vii. Has SPRFMO adopted CMMs which specifically aim to minimise adverse impacts of harvesting, research, conservation and associated activities on fishery resources and its marine ecosystems?

Yes	No	Partly
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If Yes, or Partly: are these effective? As noted above, the bottom fishing CMM has been effective in keeping fishing effort away from VMEs.

In the jack mackerel CMM there is a requirement to mitigate interactions with seabirds. There was voluntary adoption of seabird mitigation devices on the [...] trawlers and on those of some other nations despite no requirement to do so as a result of not discharging processing offal.

Please explain further, noting any gaps or suggested improvements:

- viii. Has SPRFMO adopted CMMs which specifically aim to minimise pollution, waste, discards, catch by lost or abandoned gear, catch of non-target fishery resources, and impacts on associated or dependent species?

Yes	No	Partly
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If Yes, or Partly: are these effective? The bird mitigation requirements under the jack mackerel CMM are directed at associated species. Also the CMM that prohibits the use of bottom set gillnets that can often catch a variety of non-target species, and which, when lost, can “ghost fish” for extended periods.

Please explain further, noting any gaps or suggested improvements:

1.5 Capacity management

- i. Are SPRFMO fishing capacity levels appropriate to support long-term conservation and sustainable use of its fisheries resources?

Yes	No	Partly
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Please explain further: In the jack mackerel fishery, fishing capacity is limited under the CMM. The total allowable catch is the more effective limit, with national fishing capacities being of limited importance to the ongoing management of the fishery.

- ii. How effective have been actions taken by SPRFMO to prevent or eliminate excess fishing capacity and effort?

Very	Not at all	Partly
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Please explain further: The interim measures in the jack mackerel fishery were ineffective, allowing additional capacity to enter the jack mackerel fishery at a time when it was clearly being overfished. Subsequent actions by SPRFMO have been highly effective in constraining catches to the levels recommended by the SC and thereby allowing the jack mackerel stock to rebuild.

Bottom fishing has been highly constrained to prevent excess effort and catches, including a ban on the use of bottom set gillnets.

The squid fishery has not been constrained. This is partly the result of insufficient scientific information to manage the fishery. The SC is now spending considerable resources on squid after having a major focus on jack mackerel for some years.

iii. How effective are efforts made by SPRFMO to monitor levels of fishing effort?

Very	Not at all	Partly
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Please explain further: Monitoring of the jack mackerel and bottom fisheries is effective but there are less requirements on the squid fishery.

Section 2: Compliance and Enforcement

2.1 Flag State duties

i. Do Members and CNCPs have a clear understanding of their flag state duties?

Yes	No
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Please explain further: Members consistently demonstrate their understanding of their flag state duties. Some CNCPs have failed repeatedly in this area.

ii. Have there been any situations where a Member or CNCP has not fulfilled its flag state duties?

Yes	No
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If yes, please explain further:

Some CNCPs with large registries have failed to carry out their duties with respect to informing vessel operators of SPRFMO requirements and to monitoring the activities of their flag vessels in SPRFMO waters.

- iii. If a Member or CNCP has not fulfilled its flag state duties, what do you think the reason for this is? (e.g., lack of capacity, lack of knowledge of its duty, lack of political will, etc.)

Please explain: Initially, lack of understanding of the requirements particularly with respect to support vessels was a key factor. Subsequently, lack of capacity to implement the requirements was probably the main reason.

- iv. Are there ways that Members and CNCPs could better fulfil their flag state duties?

Yes	No
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If Yes, please explain further:

2.2 Port State measures

- i. Have Members implemented the SPRFMO port state measure fully?

Yes	No
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If No, please explain further why they have not been fully implemented (e.g., lack of capacity, lack of knowledge of its duty, lack of political will, measure not clear, too complicated or too onerous, etc.):

- ii. Is the port state measure adopted by SPRFMO effective?

Yes	No
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If No, please explain further why not:

- iii. Are there additional port state measures that are needed?

Yes	No
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If Yes, please explain further:

2.3 Monitoring, control and surveillance

- i. Are SPRFMO's MCS measures well-tailored to enable monitoring of and ensure compliance with SPRFMO's conservation and management measures?

Yes	No
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Please explain further: The implementation of a SPRFMO VMS will provide timely and secure data on the locations of all authorised fishing vessels in the Convention Area. The CMM on transshipment tightens up regulation of this activity together with a requirement for levels of observer coverage in the jack mackerel and bottom fisheries. The boarding and inspection CMM completes the necessary suite of MCS measures.

- ii. Are there additional MCS measures that are needed to enable monitoring of and ensure compliance with SPRFMO's conservation and management measures?

Yes	No
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Please explain further: Observers on squid vessels and more timely catch reporting.

- iii. Are there improvements that should be made to the existing MCS measures?

Yes	No
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Please explain further:

- iv. Are the SPRFMO MCS measures effective and integrated?

Yes	No
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Please explain further:

- v. Have Members and CNCPs implemented the SPRFMO MCS measures fully?

Yes	No
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If No, please explain further why they have not been fully implemented (e.g., lack of capacity, lack of understanding, lack of political will, measure not clear, too complicated or too onerous, etc.):

2.4 *Follow-up on infringements*

- i. Do Members and CNCPs follow up on alleged infringements of conservation and management measures?

Yes	No
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Please explain further:

This has been demonstrated a number of times through the reports provided to SPRFMO by members following the receipt of information that flag vessels have breached CMMs. CNCPs have also provided reports on breaches of CMMs by their vessels.

- ii. If Members and CNCPs do not follow up on alleged infringements, please explain what is the reason or reasons (e.g., lack of capacity, lack of understanding, lack of political will, etc.):
- iii. Is there something that could be done to improve efforts to follow up on alleged infringements? Please explain:

2.5 *Cooperative mechanisms to detect and deter non-compliance*

- i. Has SPRFMO established cooperative mechanisms to monitor compliance, detect and deter non-compliance and remedy compliance issues?

Yes	No
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If Yes, please describe those cooperative mechanisms:

If No, please described what cooperative mechanisms are needed:

- ii. If there are cooperative mechanisms, are they effective in monitoring compliance, detecting and deterring non-compliance and remedying compliance issues?

Yes	No
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If No, please explain:

- iii. Are the cooperative mechanisms being used effectively?

Yes	No
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If No, please explain what could be done to improve their effective use and what you think the reason is for their lack of effectiveness:

- iv. Are there additional cooperative mechanisms needed?

Yes	No
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If Yes, please explain:

2.6 *Market-related measures*

- i. Are there market-related measures that SPRFMO should adopt?

Yes	No
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If Yes, please describe the measures:

- ii. Please explain why SPRFMO has not adopted market-related measures (e.g., not necessary, lack of capacity, lack of political will, measure not clear, too complicated or too onerous, etc.):

Section 3: Decision-making and Dispute Settlement

3.1 Decision-making

i. How do you assess SPRFMO decision-making process and practices?

Good					Poor
1	2	3	4	5	No answer

Please explain further:

There is a clear intent in decision making to take into account the sometimes diverse interests of members. Most decisions have been taken by consensus. Where voting has occurred it has been after extensive efforts have been made to reach consensus.

ii. Are the processes and practices inclusive and transparent?

Yes	No	Partly
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Please explain further:

iii. Could they be improved?

Yes	No	Partly
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Please explain further:

iv. Would SPRFMO benefit from the greater use of informal mechanisms of cooperation in its decision-making?

Yes	No	Partly
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If Yes, what form might such an informal mechanism take? Please explain further:

3.2 Dispute Resolution

- i. Has the dispute resolution process used by SPRFMO been effective in resolving disputes?

Yes	No	Partly
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Please explain further:

- ii. Has the SPRFMO dispute resolution process been expeditious?

Yes	No	Partly
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Please explain further:

- iii. Do you have any concerns with the SPRFMO dispute resolution process, such as procedures or cost?

Yes	No	Partly
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Please explain further:

If Yes, what suggested improvements could be made?

Section 4: International Cooperation

4.1 Transparency

- i. Are relevant intergovernmental organisations and interested environmental organisations and fishing industry organisations able to effectively participate in all SPRFMO meetings?

Yes	No	Partly
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Please explain further:

- ii. Does SPRFMO facilitate consultations with non-governmental organisations, representatives of the fishing industry, and other interested bodies on SPRFMO conservation and management measures?

Yes	No	Partly
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Please explain further: SPRFMO has facilitated presentations by NGOs in the margins of Commission meetings to allow them to present information and views.

- iii. Are all SPRFMO reports, conservation measures and scientific advice and other relevant non-commercial sensitive information made publicly available in a timely manner?

Yes	No	Partly
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Please explain further:

- iv. How effective is the SPRFMO website making relevant information publicly available and easily accessible?

Yes	No	Partly
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Please explain further:

4.2 Relationship with Cooperating Non-Contracting Parties (CNCP)

- i. Have there been efforts by SPRFMO to encourage CNCPs, either individually or collectively, to become SPRFMO Members?

Yes	No
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Please explain further:

- ii. Do CNCPs voluntarily implement SPRFMO measures?

Yes	No	Partly
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Please explain further: Implementation has been incomplete by some CNCPs and has required repeated follow up by SPRFMO.

4.3 Relationship with non-Members or non-CNCPs undermining the objectives of the Convention

- i. Does SPRFMO take effective measures to deter the activities of non-Members and non-CNCPs that undermine SPRFMO conservation and management measures?

Yes	No	Partly
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Please explain further: The need has not yet arisen.

- ii. Does SPRFMO encourage non-Members and non-CNCPs to become Members or CNCPs of SPRFMO?

Yes	No	Partly
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Please explain further:

4.4 Cooperation with international organisations

- i. Does SPRFMO have appropriate cooperation links with other international and regional fisheries management organisations?

Yes	No	Partly
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Please explain further:

- ii. How effective is the cooperation with other regional fisheries management organisations which have competency over stocks located in the Convention Area?

Very	Not at all	Partly
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If Not at all or Partly, how can this be improved?

- iii. Does SPRFMO cooperate with relevant fisheries organisations specifically on the reduction and elimination of IUU fishing?

Yes	No	Partly
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Please explain further:

4.5 *Special requirements of developing States*

- i. Does SPRFMO have appropriate mechanisms for recognising the special needs of developing States?

Yes	No	Partly
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Please explain further: A fund has been established to assist developing states to engage in the work of the Commission. This facility has been used to support developing states attendance at SC and Commission meetings.

Other obligations under Art 19.1.a) and b), and 19.4 regarding assistance to build capacity to improve conservation and management measures and to enable participation in fishing, including facilitating access to resources have not been actioned through the Commission. These obligations may, to varying extents, be met through direct bilateral interventions by members.

- ii. How appropriate and sufficient is the assistance that is provided to developing States by Members or CNCPs either individually or through SPRFMO?

Very	Not at all	Partly
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Please explain further: Travel assistance is appropriate and sufficient. It is unclear whether sufficient investments are being made by members in assisting capacity building in developing state members.

Section 5: Financial and Administrative Issues

5.1 Availability of resources for activities

- i. Is the level of funding available to the Secretariat sufficient to achieve the aims of SPRFMO and implement its decisions?

Yes	No	Partly
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Please explain further:

- ii. Does the Secretariat have the requisite number of personnel to achieve the aims of SPRFMO and implement its decisions?

Yes	No	Partly
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Please explain further:

- iii. Does the SPRFMO budget process lead to the necessary financial resources being available to the SPRFMO Secretariat? If not, why not?

Yes	No	Partly
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Please explain further:

5.2 Efficiency and cost-effectiveness

- i. Does SPRFMO efficiently and effectively manage the resources available to it?

Yes	No	Partly
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Please explain further:

- ii. Does SPRFMO have the right organisational structure and working groups to efficiently undertake its work?

Yes	No
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If No, how could this be improved?

iii. Is the SPRFMO schedule of meetings appropriate?

Yes	No
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If No, how could it be improved?

iv. Is the organisation of SPRFMO meetings effective in achieving SPRFMO's objectives?

Yes	No
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If No, are there any suggestions you have for improvement?